



Express Mail No.: EV 534 876 237 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Stephen J. Brown	Confirmation No.:	9517
Serial No.:	09/237,194	Art Unit:	3626
Filed:	January 26, 1999	Examiner:	A. Kalinowski
For:	REMOTE HEALTH-MONITORING SYSTEM WITH NETWORKED SERVER AND HEALTH CARE PROFESSIONAL	Attorney Docket No:	062788-5006-US

PRELIMINARY AMENDMENT IN RCE

This RCE, Amendment and Arguments are being filed in response to the Advisory Action, dated August 13, 2004, in the parent application 09/237,194. Applicant respectfully requests that the Examiner considers the remarks and enters the amendment.

SUMMARY

This document:

- I. Addresses the Examiner's contention that it is obvious to combine the Fu, Lee and Kirk references;
- II. Points out that the Examiner has not shown any specific teaching in the references for numerous dependent claims;
- III. Asks the Examiner to consider the Rule 131 affidavit previously submitted; and
- IV. Amends the claims on file, but does so *without any need to overcome the prior art*.

DETAILED REMARKS

I. IT IS NOT OBVIOUS TO COMBINE THE FU, LEE AND KIRK REFERENCES

It is well established that "the examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness." MPEP § 2142. As will be demonstrated below, the Examiner has not, and indeed cannot, meet this burden and show a *prima facie* case for obviousness.